STATE OF MAINE

DEPARTMENT OF MARINE RESOURCES

IN THE MATTER OF THE APPLICATION OF (
NEW ENGLAND SALMON COMPANY,)	1	
D/B/A D.E. SALMON COMPANY, TO TRANSFER)		FINDINGS OF FACT,
AN AQUACULTURE LEASE LOCATED SOUTHEAST	,) CONCLUSIONS OF LAW
OF BIRCH POINT LEDGE, NEAR GOVE POINT,)		AND DECISION
SEWARD NECK, LUBEC, WASHINGTON COUNTY,)	1	
MAINE, TO D.E. SALMON, INC.	1	

On September 13, 1999, D.E. Salmon, Inc., successor to New England Salmon Company, d/b/a D.E. Salmon, Company, applied for the transfer of an aquaculture lease (tracts: 616-08 and 617-08), granted to New England Salmon Company, d/b/a D.E. Salmon Company, on October 6, 1998, to D.E. Salmon, Inc.

The aquaculture lease allows New England Salmon Company, d/b/a D.E. Salmon Company, the right to conduct the cultivation harvesting and taking of Atlantic salmon, sea urchins, and giant sea scallops using pen culture techniques on a 10 acre lease site located southeast of Birch Point Ledge, near Gove Point, Seward Neck, Lubec, Washington County, Maine.

Notice of the application was published in the October 1999 issue of <u>Commercial</u>
<u>Fisheries News</u> and the October 8, 1999 and October 22, 1999 issues of the <u>Quoddy Tides</u>.

The public and interested parties were given to November 7, 1999 to request a hearing on the application for transfer. No requests for a hearing on the application for transfer were received by the Department either on or before November 7, 1999, or at any time subsequent, up to the date of this decision.

Applications for transfer of interest in aquaculture leases are governed by 12 M.R.S.A. §6072 (12-A), which provides that a lease may be transferred if the transfer is not for speculative purposes.

Section 2.60(C)(3) of the Department of Marine Resources regulation dealing with aquaculture leases, indicates that "speculative purposes" shall be found to exist whenever the owner of a lease to be transferred has not conducted any substantial aquaculture on the lease sites, including, but not limited to, seeding, cultivation, or harvesting organisms.

Based on the information contained in the original application and evidence taken at

the original hearing and the application for transfer, it appears that the transfer for lease interest in this instance will not violate Section 7 or Section 8, nor be for speculative purposes.

Decision

The Commissioner of Marine Resources grants the application to transfer the lease granted to
New England Salmon Company, d/b/a D.E. Salmon Company, by the Department of Marine Resources
on October 6, 1998, for 10 acres located southeast of Birch Point Ledge, near Gove Point, Seward
Neck, Lubec, Washington County, Maine, to D.E. Salmon, Inc. In assuming this lease, D.E. Salmon,
Inc. is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated:	
Daicu	George D. Lapointe (Commissioner) Department of Marine Resources